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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,436	12/22/2000	Franco Travostino	2204/A85	1512
34845	7590	04/01/2005	EXAMINER	
STEUBING AND MCGUINESS & MANARAS LLP 125 NAGOG PARK ACTON, MA 01720			PEZZLO, JOHN	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/747,436	TRAVOSTINO ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	John Pezzlo	2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 December 2001.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-46 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-46 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 26 February 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### *Specification*

The disclosure is objected to because of the following informalities: Page 1, line 10, the patent application number needs to be provided. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

I. Claims 1-6, 10-19, 23-27, 31-35, and 39-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Bhagwat et al. (US 6,651,105 B1) hereinafter Bhagwat.

1. Regarding claim 1 – Bhagwat discloses an access point device (AP) in communication with a back end device (PBS) to implement a plurality of protocol layers of a wireless communication protocol for enabling communication between a terminal equipment (MH) and a

host device (application host), refer to Figures 3 and 4 and column 4 lines 38 to 67 and column 5 lines 1 to 11.

2. Regarding claim 2 – Bhagwat discloses the plurality of protocol layers of the wireless communication protocol comprise a lower protocol layer for sending and receiving protocol messages over a wireless medium and upper protocol layers for generating and processing the protocol messages, refer to Figures 3 and 4 and column 4 lines 38 to 67 and column 5 lines 1 to 11.

Bhagwat discloses the access point device implements the lower protocol layer and the back end device implements the upper protocol layers, refer to column 1 lines 9 to 12, wherein Bhagwat discloses that application 09/439,951 (US Patent 6,721,805 B1) is incorporated by reference in entirety. In application 09/439,951, WAPt is an access device equivalent to the AP access device, of the above reference. Bhagwat discloses that the AP (WAPt) acts as a PPP proxy and communicates a PPP packet to the PBS, which utilizes the upper layers (TCP/IP) to communicate over the Internet to the application Host, refer to Figures 4 and 5 in 09/439,951 and column 2 lines 25 to 37 in Bhagwat.

3. Regarding claims 3 and 16 and 18 and 24 and 26 and 32 and 34 and 40and 42 – Bhagwat discloses the access point device is operably coupled to receive a wireless protocol message (TCP/IP) from a terminal equipment using the lower protocol layer (PPP) and forward upper protocol layer information (TCP/IP tunneled in PPP) from the wireless protocol message to the

back end device (PBS) over a pre-established communication connection, refer to Figures 3 and 4 and column 4 lines 38 to 67 and column 5 lines 1 to 11.

4. Regarding claim 4 – Bhagwat discloses the back end device (PBS) is operably coupled to receive the upper protocol layer (TCP/IP) information from the access point device over the pre-established communication connection (PPP) and process the upper protocol layer information (TCP/IP), refer to Figures 3 and 4 and column 4 lines 38 to 67 and column 5 lines 1 to 11 and column 1 lines 9 to 12, wherein Bhagwat discloses that application 09/439,951 (US Patent 6,721,805 B1) is incorporated by reference in entirety. In application 09/439,951, WAPt is an access device equivalent to the AP access device, of the above reference. Bhagwat discloses that the AP (WAPt) acts as a PPP proxy and communicates a PPP packet to the PBS, which utilizes the upper layers (TCP/IP) to communicate over the Internet to the application Host, refer to Figures 4 and 5 in 09/439,951 and column 2 lines 25 to 37 in Bhagwat.

5. Regarding claim 5 – Bhagwat discloses the back end device (PBS) is operably coupled to send upper protocol layer information to the access point device (AP) over a pre-established communication connection (PPP), refer to Figures 3 and 4 and column 4 lines 38 to 67 and column 5 lines 1 to 11 and column 1 lines 9 to 12, wherein Bhagwat discloses that application 09/439,951 (US Patent 6,721,805 B1) is incorporated by reference in entirety. In application 09/439,951, WAPt is an access device equivalent to the AP access device, of the above reference. Bhagwat discloses that the AP (WAPt) acts as a PPP proxy and communicates a PPP packet to the PBS, which utilizes the upper layers (TCP/IP) to communicate over the Internet to

the application Host, refer to Figures 4 and 5 in 09/439,951 and column 2 lines 25 to 37 in Bhagwat.

6. Regarding claim 6 – Bhagwat discloses the access point device (AP) is operably coupled to receive the upper protocol layer information from the back end device (PBS) over the pre-established communication connection (PPP) and transmit a wireless protocol message to a terminal equipment using the lower protocol layer (PPP), the wireless protocol message including the upper protocol layer information (tunneled TCP/IP), refer to Figures 3 and 4 and column 4 lines 38 to 67 and column 5 lines 1 to 11 and column 1 lines 9 to 12, wherein Bhagwat discloses that application 09/439,951 (US Patent 6,721,805 B1) is incorporated by reference in entirety. In application 09/439,951, WAPt is an access device equivalent to the AP access device, of the above reference. Bhagwat discloses that the AP (WAPt) acts as a PPP proxy and communicates a PPP packet to the PBS, which utilizes the upper layers (TCP/IP) to communicate over the Internet to the application Host, refer to Figures 4 and 5 in 09/439,951 and column 2 lines 25 to 37 in Bhagwat.

7. Regarding claim 10 – Bhagwat discloses the access point device (AP) and the back end device (PBS) are operably coupled to exchange upper protocol layer information over a pre-established communication connection (PPP), refer to Figures 3 and 4 and column 4 lines 38 to 67 and column 5 lines 1 to 11 and column 1 lines 9 to 12, wherein Bhagwat discloses that application 09/439,951 (US Patent 6,721,805 B1) is incorporated by reference in entirety. In application 09/439,951, WAPt is an access device equivalent to the AP access device, of the

above reference. Bhagwat discloses that the AP (WAPt) acts as a PPP proxy and communicates a PPP packet to the PBS, which utilizes the upper layers (TCP/IP) to communicate over the Internet to the application Host, refer to Figures 4 and 5 in 09/439,951 and column 2 lines 25 to 37 in Bhagwat.

8. Regarding claim 11 – Bhagwat discloses the access point device (AP) comprises logic for establishing the communication connection to the back end device (PBS), refer to Figures 3-7 and column 6 lines 60 to 67 and column 7 lines 1 to 15 and column 8 lines 9 to 46 and column 11 lines 56 to 67 and column 12 lines 1 to 35.

9. Regarding claim 12 – Bhagwat discloses the back end device comprises logic (PBS) for establishing the communication connection to the access point device (AP), refer to Figures 3-7 and column 6 lines 60 to 67 and column 7 lines 1 to 15 and column 8 lines 9 to 46 and column 11 lines 56 to 67 and column 12 lines 1 to 35.

10. Regarding claim 13 – Bhagwat discloses the access point device (AP) and the back end device (PBS) communicate over a local area network, and wherein the pre-established communication connection (tunneling PPP) is a logical connection over the local area network, refer to Figures 3 and 4 and column 4 lines 38 to 67 and column 5 lines 1 to 11 and column 1 lines 9 to 12, wherein Bhagwat discloses that application 09/439,951 (US Patent 6,721,805 B1) is incorporated by reference in entirety. In application 09/439,951, WAPt is an access device equivalent to the AP access device, of the above reference. Bhagwat discloses that the AP

(WAPt) acts as a PPP proxy and communicates a PPP packet to the PBS, which utilizes the upper layers (TCP/IP) to communicate over the Internet to the application Host, refer to Figures 4 and 5 in 09/439,951 and column 2 lines 25 to 37 in Bhagwat.

11. Regarding claims 14 and 17 and 19 and 25 and 27 and 33 and 35 and 41 and 43 – Bhagwat discloses the local area network is an Ethernet local area network, and wherein the pre-established communication connection is a PPP-over-Ethernet connection, refer to Figures 3 and 4 and column 4 lines 38 to 67 and column 5 lines 1 to 11 and column 1 lines 9 to 12, wherein Bhagwat discloses that application 09/439,951 (US Patent 6,721,805 B1) is incorporated by reference in entirety. In application 09/439,951, WAPt is an access device equivalent to the AP access device, of the above reference. Bhagwat discloses that the AP (WAPt) acts as a PPP proxy and communicates a PPP packet to the PBS, which utilizes the upper layers (TCP/IP) to communicate over the Internet to the application Host, refer to Figures 4 and 5 in 09/439,951 and column 2 lines 25 to 37 in Bhagwat.

12. Regarding claims 15 and 23 – Bhagwat discloses a wireless interface implementing a lower protocol layer (PPP) of a wireless communication protocol for sending and receiving wireless communication messages, refer to Figures 3 and 4 and column 4 lines 38 to 67 and column 5 lines 1 to 11.

Bhagwat discloses a back end interface for communicating with a back end device that implements upper protocol layers (TCP/IP) of the wireless communication protocol, refer to Figures 3 and 4 and column 4 lines 38 to 67 and column 5 lines 1 to 11 and column 1 lines 9 to

12, wherein Bhagwat discloses that application 09/439,951 (US Patent 6,721,805 B1) is incorporated by reference in entirety. In application 09/439,951, WAPt is an access device equivalent to the AP access device, of the above reference. Bhagwat discloses that the AP (WAPt) acts as a PPP proxy and communicates a PPP packet to the PBS, which utilizes the upper layers (TCP/IP) to communicate over the Internet to the application Host, refer to Figures 4 and 5 in 09/439,951 and column 2 lines 25 to 37 in Bhagwat.

Bhagwat discloses forwarding logic operably coupled to receive upper protocol layer information over one of said wireless interface and said back end interface and forward the upper protocol layer information over the other of said wireless interface and said back end interface, refer to Figures 3-7 and column 6 lines 60 to 67 and column 7 lines 1 to 15 and column 8 lines 9 to 46 and column 11 lines 56 to 67 and column 12 lines 1 to 35.

13. Regarding claims 31 and 39 – Bhagwat discloses upper protocol layer logic implementing upper protocol layers of a wireless communication protocol, refer to Figures 3 and 4 and column 2 lines 25 to 37 and column 4 lines 38 to 67 and column 5 lines 1 to 11.

Bhagwat discloses an access point interface for exchanging upper protocol layer information with an access point device that implements a lower protocol layer of the wireless communication protocol, refer to Figures 3 and 4 and column 4 lines 38 to 67 and column 5 lines 1 to 11 and column 1 lines 9 to 12, wherein Bhagwat discloses that application 09/439,951 (US Patent 6,721,805 B1) is incorporated by reference in entirety. In application 09/439,951, WAPt is an access device equivalent to the AP access device, of the above reference. Bhagwat discloses that the AP (WAPt) acts as a PPP proxy and communicates a PPP packet to the PBS, which

utilizes the upper layers (TCP/IP) to communicate over the Internet to the application Host, refer to Figures 4 and 5 in 09/439,951 and column 2 lines 25 to 37 in Bhagwat..

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

II. Claims 7-9, 20-22, 28-30, 36-38, and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhagwat (same as above) in view of Olgaard et al. (US 6,542,740 B1) hereinafter Olgaard.

1. Regarding claims 7-9, 20-22, 28-30, 36-38, and 44-46 – Bhagwat discloses a wireless communication protocol for enabling communication between a terminal equipment and a host device.

Bhagwat does not expressly disclose a Bluetooth wireless communication protocol and providing additional state-based services.

Olgard discloses utilizing a Bluetooth wireless communication protocol and providing additional state-based services, refer to column 8 lines 21 to 36 and column 10 lines 20 to 38.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Bhagwat with Olgaard to provide Bluetooth as the wireless communication protocol. The suggestion/motivation for doing so would have been that providing a standard protocol will allow for greater compatibility between customer equipment while maintaining the latest interfaces in keeping up with the market place to provide the latest state-based services.

***Response to Arguments***

Applicant's arguments with respect to claims 1-46 have been considered but are moot in view of the new ground(s) of rejection. The present reference (US 6,651,105 B1) discloses a method and apparatus for wireless access device (AP) to communicate PPP packets to a backend server (PBS). The PPP packets encapsulate TCP/IP protocol packets between a mobile device (terminal equipment device) communicating wirelessly to the wireless access device (AP) and tunneled to a backend device (PPP backend server), which forwards the TCP/IP packets to the host device (application Host) over the Internet. The PPP backend device is incorporated into the reference to allow the mobile device to roam seamlessly between wireless access devices. The present reference incorporates by reference US Patent 6,721,805 B1, wherein the access point (WAPt) is equivalent to the access point (AP) in the present reference (US 6,651,105 B1) and communicates with the backend device (PBS) to provide seamless roaming for the wireless devices (Mobile Device – US 6,651,105 B1 or Mobile Host/WAT – US 6,721,805 B1). The wireless access device and the backend device communicate using the lower layer protocol

(PPP) to provide the higher layer protocol (TCP/IP) to the ends points via a tunneling PPP protocol.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Janik (US 2002/0068558 A1) discloses a system and method for providing content, management, and interactivity for client devices.

Art Unit: 2662

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(703) 872-9306

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Jefferson Building

500 Dulany Street

Alexandria, VA.

John Pezzlo

28 March 2005



JOHN PEZZLO  
PRIMARY EXAMINER